

108TH CONGRESS
1ST SESSION

S. 691

To authorize the Secretary of Agriculture to enter into cooperative agreements and contracts with the Nebraska State Forester to carry out watershed restoration and protection activities on National Forest System land in the State of Nebraska.

IN THE SENATE OF THE UNITED STATES

MARCH 21, 2003

Mr. HAGEL introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize the Secretary of Agriculture to enter into cooperative agreements and contracts with the Nebraska State Forester to carry out watershed restoration and protection activities on National Forest System land in the State of Nebraska.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. WATERSHED RESTORATION AND PROTECTION**

4 **ACTIVITIES IN THE STATE OF NEBRASKA.**

5 (a) DEFINITIONS.—In this section:

6 (1) SECRETARY.—The term “Secretary” means
7 the Secretary of Agriculture.

1 (2) STATE.—The term “State” means the State
2 of Nebraska.

3 (3) STATE FORESTER.—The term “State For-
4 ester” means the Nebraska State Forester.

5 (b) COOPERATIVE AGREEMENTS AND CONTRACTS.—

6 (1) IN GENERAL.—The Secretary may enter
7 into a cooperative agreement or contract, including
8 a sole source contract, with the State Forester,
9 under which the State Forester may carry out eligi-
10 ble watershed restoration and protection activities on
11 National Forest System land in the State if similar
12 or complementary activities are being carried out by
13 the State Forester on State or private land that is
14 located within the same watershed as the National
15 Forest System land.

16 (2) ELIGIBLE ACTIVITIES.—Watershed restora-
17 tion and protection activities that are eligible to be
18 carried out by the State Forester under paragraph
19 (1) shall include—

20 (A) treatment of insect-infected trees;

21 (B) reduction of hazardous fuels; and

22 (C) other activities to restore or improve
23 watersheds across ownership boundaries.

24 (c) AGENCY AGREEMENT.—Except as provided in
25 subsection (f), a cooperative agreement or contract under

1 subsection (b)(1) may authorize the State Forester to be
2 an agent of the Secretary for the purpose of carrying out
3 the watershed restoration or protection activities under
4 the cooperative agreement or contract.

5 (d) SUBCONTRACTS AUTHORIZED.—In carrying out
6 the watershed restoration or protection activities under
7 subsection (b), the State Forester may enter into sub-
8 contracts in accordance with applicable contract proce-
9 dures of the State.

10 (e) TIMBER SALES.—Subsections (d) and (g) of sec-
11 tion 14 of the National Forest Management Act of 1976
12 (16 U.S.C. 472a) shall not apply to watershed restoration
13 and protection activities carried out by the State Forester
14 under subsection (b).

15 (f) NO DELEGATION OF DUTIES UNDER NEPA.—
16 With respect to any watershed restoration or protection
17 activity of the State Forester carried out or proposed to
18 be carried out under subsection (b), the Secretary shall
19 not delegate to the State Forester or to any other em-
20 ployee of the State Forest Service any of the duties of
21 the Secretary under the National Environmental Policy
22 Act of 1969 (42 U.S.C. 4321 et seq.).

23 (g) TERMINATION OF AUTHORITY.—The authority of
24 the Secretary to enter into cooperative agreements or con-

1 tracts under this section terminates on September 30,
2 2006.

